

Ironbound Committee Against Toxic Wastes
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THE HISTORY OF THE TOXIC WASTE DUMP SITE AT FERRY WHOLESALERS (TRESS CHEMICAL CO.)

June 4, 1979: Officials from DEP, Motor Vehicle and Alcohol, Firearms and Tobacco investigate report of three trailers containing toxics at Tress Chemicals. The DEP report stated that they found approximately 3-4,000 drums "stored haphazardly throughout the premises. Some materials observed on the yard were packed lab wastes, expired ether, picric acid, ...poisons, gases, and flammable materials. All was stored in a manner which renders the facility a potential if not immediate fire and health hazard. Several spills were observed throughout the yard...."

The DEP report went on to state that Wayne Weisberg "admitted that some material in the yard was definitely waste material. He stated that Bill Carosino dropped off a significant quantity of the material stored in the yard two years ago... A food re-packaging operation was taking place on the premises."

The DEP official recommended "an immediate injunction against continued operations of the company...."

June 6, 1979: DEP follow-up inspection of Tress Chemical. Mrs. Weisberg "stated that business would go on as usual. Clean up operations of the premises would not commence until the State ordered the company to remove the drums. She explained that this action might cause the company to default. Newark fire inspectors are forcing her to at least reorganize the drums on the premises in order to minimize the fire hazard."

February 14, 1980: DEP made a follow-up inspection and discovered that 2,500 drums were still on the premises. The drums were moved from inside the warehouses to outside in the yard. DEP recommended issuing a Notice of Violation.

March 28, 1980: Ralph Pasceri, Chief of the Bureau of Hazardous Waste, issued a Notice of Prosecution against Mrs. Weisberg and Tress Chemical Co. and two fines totalling \$2,000.00. Tress Chemical did not have the required registration statement from DEP nor an approved engineering design submitted to DEP. Tress was supposed to pay the fines by April 28, 1980.

DEP also ordered Tress Chemical to "immediately cease all waste storage, processing and disposal activities," to submit an inventory of the total number of containers, volumes and contents at the site, identify the materials spilled, provide a schedule for excavation and removal of all wastes from the site to an authorized facility within thirty days (all within 14 days) and within thirty days, to properly label all containers and ship the wastes with the correct manifests with notice to DEP of all shipments.

April 9, 1980: Mrs. Weisberg replied to DEP and stated that she does "not engage in the business of storage of waste materials...." "It is not possible for me to presently identify such materials (which have leaked or spilled)...." "It is not possible for me to accomplish such removal within the time mentioned."

April 28, 1980: Tress Chemical does not pay the \$2,000.00 fine. DEP does not follow up on the fine or on the prosecution of the company.

June 9, 1980: Approximately one year later, DEP inspected the premises and found that on May 29, 1980, there were still about 2,400 drums on the site. DEP officials told the owners that "all spilled material should be excavated and removed along with the

December 9, 1980: Official from the City of Newark Department of Engineering inspected Tress Chemical Co. at the request of the Fire Department. His report stated that he found "many leaking drums," "drums of chemicals scattered around the premises," "unlabelled drums which is characteristic of chemical waste," "dangerous chemicals placed adjacent to the fence and to structures," "no comprehensive inventory of the material...."

The report also stated "I have been familiar with the situation at this site for some time and have been unable to secure the owner's cooperation in correcting the situation." And, "In my opinion there is an extremely dangerous condition ...which must be corrected immediately so that a fire and/or explosion may be avoided."

December 12, 1980: City of Newark instituted a lawsuit against Tress Chemical Co., Mrs. Weisberg as defendant), and alleged that Mrs. Weisberg owns and operates a chemical storage facility with drums of hazardous chemicals, "some of which are leaking, in disorder, unlabeled, without aisles for access in case firefighting is necessary...." "There is no comprehensive inventory...." "....defendants are in possession of no documents to indicate they (chemical wastes) were purchased...." "The conditions on the premises constitute an imminent danger to life and property and constitute a public nuisance."

IRONBOUND COMMITTEE AGAINST TOXIC WASTES learns of the court action and gets involved. Residents attend court hearing. Residents attempt to testify about the situation, but are not allowed to speak. A consent decree is drafted without input from residents.

December 19, 1980: Judge Dwyer signed the first Consent Order. Judge Dwyer orders Mrs. Weisberg to test, inventory, segregate and create fire aisles for the drums. Also, "all leakage from drums will be cleaned up and eliminated...all material will be stored only two drums high...all lab packs will be moved away from the building...."

January 5, 1981: Another court hearing. Residents attend but discover that Mrs. Weisberg had already gotten more time to clean up the mess from the Judge.

March ,1981: Residents - more this time - attend court hearings and learn that they can not speak or find out what is going on. Mrs. Weisberg gets more time to clean up. Nothing has been done so far. The Judge's order has not been complied with.

April 10, 1981: IRONBOUND COMMITTEE AGAINST TOXIC WASTE decides to get a lawyer and get the right to speak and be informed in the case. Judge Dwyer grants the Committee "Friend of the Court" status despite angry opposition from Mrs. Weisberg and her lawyers. Judge Dwyer states "they have a right to be heard, especially on a matter of such concern to area residents - the presence of deadly toxic chemicals in the neighborhood...." The Committee demands fines be set. The Committee request the City to push for severe penalties against Tress. City attorney Kathleen Goger moves to amend the complaint to request that the Judge fine Mrs. Weisberg \$25,000.00 per day for violating the Solid Waste Management Act by storing hazardous wastes without proper permits. Mrs. Weisberg's lawyer, E. Robert Levy opposes the motion. The Committee supports the motion. Many residents are in the courtroom. The Judge grants the motion to amend the complaint! Judge Dwyer orders Mrs. Weisberg again to remove the toxic wastes - about 80 drums containing lab packs - and to remove remaining drums containing flammables, or he will impose penalties.

April 30, 1981: Residents pack the courtroom again to learn if the toxics have been removed. The Committee discovers that all the lab packs are removed! It was not until Mrs. Weisberg was threatened with stiff fines that she acted to clean up the deadly threat to peoples' health and property.

April 30, 1981: continued.... Having won the fight to get Mrs. Weisberg to remove most of the toxics from Ferry Street, the Committee learns that the ground is contaminated from all the spills of toxic materials and that it must be excavated and clean fill substituted. Judge Dwyer orders Mrs. Weisberg to excavate the poisoned earth and to get approval from DEP for the procedures. Mrs. Weisberg refuses to post a performance bond with DEP. A DEP official stated "I feel that a performance bond is warranted due to the poor history of Tress with the Department."

Summer 1981: DEP inspects Tress Chemical Co. to insure that Mrs. Weisberg is not bringing any more toxics there. The contaminated earth is not excavated. Three neighborhood children walking next to Tress Chemical get burned by acid in bottles that came from Tress Chemical Co.

Judge Dwyer does not enforce his order to excavate. Case is not closed.

October 24, 1981: 4:00 A.M. Residents hear explosions and see drums flying one hundred feet up into the air. Tress Chemical burns until late that afternoon. A black plume of smoke is blown over residents' homes and Hyatt Court housing project. Residents feel burning in their throats, eyes, and get headaches. The Committee meets and discusses how lucky we all are that the Committee fought to get most of the toxics out of the neighborhood before the fire and explosion happened. The Committee knew that a fire and explosion was bound to happen sometime....if people had not gone to court and pressured the City and the Judge, the accident would have been another Chemical Control inferno.

Residents go to site of fire to take photographs and see the damage. Mrs. Weisberg, Wayne Weisberg and Tress employees threatened to arrest residents and attempt to bribe one resident for the film in his camera. Police on the scene refuse to arrest residents. A Tress employee threatens to physically injure another resident.